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TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3738/Examiner Bruce Snow

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 09/921,851
Gary K. Michelson
Filed: August 3, 2001
METHOD FOR FORMING A SPINAL IMPLANT
SURFACE CONFIGURATION
Attorney Docket No. 101.0084-02000
Customer No. 22882
Confirmation No.: 8299

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 4

Date: June 22, 2005

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Information Disclosure Statement (\$180 IDS fee is to be charged to Deposit Account No. 50-1068) and Form PTO-1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on June 22, 2005.

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PATENT
 Attorney Docket No. 101.0084-02000
 Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 8299
Gary K. Michelson, M.D.)	
Serial No.: 09/921,851)	Group Art Unit: 3738
Filed: August 3, 2001)	Examiner: Bruce Snow
For: METHOD FOR FORMING A)	
SPINAL IMPLANT SURFACE)	
CONFIGURATION)	

Mail Stop AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the document listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-1068.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claims in the application and Applicant determines that the cited document does not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

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Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: June 22, 2005

By: 
Thomas H. Martin
Registration No. 34,383

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